

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

KAYLENE PETERSCHEIM,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 3:20-cv-431
	)	
FOREST RIVER MANUFACTURING, LLC,	)	
	)	
Defendant.	)	

**NOTICE OF REMOVAL OF CIVIL ACTION**

Pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, defendant Forest River Manufacturing, LLC (“Defendant”) gives notice of the removal of the civil action captioned as *Kaylene Peterschein v. Forest River Manufacturing, LLC*, Cause No. 20D03-2004-CT-000090, filed in the Elkhart Superior Court in Elkhart County, Indiana. The grounds for removal are as follows:

**STATE COURT ACTION**

1. On April 27, 2020, Kaylene Peterschein (“Plaintiff”) filed a complaint against Defendant (“Complaint”) in the Elkhart Superior Court in Elkhart County, Indiana, Cause No. 20D03-2004-CT-000090 (the “State Court Action”).

2. The Complaint alleges that Defendant violated federal laws including Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000 *et seq.* (“Title VII”), and the Family Medical Leave Act, 29 U.S.C. § 2601 *et seq.* (“FMLA”). [Complaint ¶¶ 2-4, 6-7.] The Complaint also alleges that Defendant violated state law under the Indiana Worker’s Compensation Act.

3. Plaintiff served Defendant with the Complaint and Summons in the State Court Action by certified mail on May 6, 2020.

4. Defendant now timely files this Notice of Removal within thirty (30) days of receipt of the Complaint and Summons. 28 U.S.C. § 1446(b).

**THIS COURT HAS JURISDICTION**

5. The Federal courts have original jurisdiction of all cases that arise under federal law, and such cases are explicitly within this Court's removal jurisdiction. 28 U.S.C. § 1331(b) (providing that the courts have removal jurisdiction for any action in which the district courts have original jurisdiction founded on a claim or right arising under the Constitution, treaties, or laws of the United States).

6. Because Plaintiff asserts claims for relief under Title VII and the FMLA, both of which are federal laws, this Court has original jurisdiction over her claims

7. To the extent Plaintiff is asserting claims for relief under the laws and public policies of the State of Indiana, this Court has jurisdiction pursuant to 28 U.S. § 1441(c).

**REMOVAL IS PROPER**

8. In accordance with 28 U.S.C. § 1446(a), a true and accurate copy of all process, pleadings, and orders from the State Court Action are attached as *Exhibit A*.

9. Because Defendant was served with the Complaint and Summons on May 6, 2020, its removal is timely because it is within 30 days of service of the Complaint, as required by 28 U.S.C. § 1446(b)(1).

10. Venue of this removal is proper under 28 U.S.C. § 1441(a) because this Court is the United States District Court for the district corresponding to the place where the State Court Action is pending. Specifically, Plaintiff filed this action in the Elkhart Superior Court in Elkhart County, Indiana which is located in the South Bend Division of the United States District Court

for the Northern District of Indiana. Therefore, the State Court Action may be removed to this Court.

11. In accordance with 28 U.S.C. § 1446(d), a copy of Defendant's Notice of Removal is being filed contemporaneously with the Clerk of the Elkhart Superior Court in Elkhart County, Indiana. Defendant is also contemporaneously serving this Notice of Removal on Plaintiff.

12. In accordance with Federal Rule of Civil Procedure 11, undersigned counsel for Defendant certifies that she has read this Notice; that removal of the State Court Action is warranted by existing law to the best of counsel's knowledge, information, and belief formed after reasonable inquiry; and that this Notice is not interposed for any improper purpose.

WHEREFORE, in accordance with the authorities set forth above, Defendant removes the State Court Action to this Court and requests such other and further relief as the Court deems appropriate.

Respectfully submitted,

s/ Melissa A. Macchia

Melissa A. Macchia, #29920-49

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*Counsel for Defendant*

**CERTIFICATE OF SERVICE**

I hereby certify that on May 29, 2020, a copy of the foregoing *Notice of Removal of Civil Action* was filed electronically. Service of this filing will be made on all ECF-registered counsel by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

I further certify that on May 29, 2020, I caused a copy of the foregoing *Notice of Removal of Civil Action* to be served via email and by first-class United States Mail, postage prepaid, and properly addressed to the following:

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s/ *Melissa A. Macchia*  
Melissa A. Macchia

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